IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

WRIT PETITION NO : 18526 of 1994

Between:

Audi Andhra Yuvajana Seva Sangam,
Rep. Secretary sangu Krishna Venkata Ramana Murthy,
S/o. Suryanarayana. R/o. Alluri Sitaramaraju Nagar,
Kanchara Palem Village, Visakhapatnam.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam.

2 The R.D.O., Visakhapatnam.

3 The Mandal Revenue Officer, Visakhapatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue to the members of the petitioner society, whose names are given in the Annexure to this W.P., House site pattas in sy.No.81, of Marripalem Village by issuing a Writ of mandamus or any other appropriate writ order or direction and pass

Counsel for the Petitioner: MR.M.SRINIVASA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court Made the Following :

ORDER:

The petitioner-society claim to represent 306 individuals belonging to weaker sections of the society. According to the averments made in the affidavit, all of them belong to Dalit and other weaker sections of the society.

That each one of them having occupied about 50 yards in Survey No.81 of Marripalem village, erected thatched houses. The total extent of the land is about Acs.5-00 classified as Government waste land. The writ petition has been filed apprehending summary eviction of the members of the petitioner-society from the land in question. This Court by its order, dated 11-10-1994, having admitted the writ petition, granted interim order directing the respondents to maintain *status-quo* and the same has been made absolute by order, dated 11-11-1996.

In the counter affidavit filed by the respondent-Mandal Revenue Officer, it is *inter alia* stated that Survey No.81 is the Government land and the said survey number was sub-divided as 81/1, 2 and 81/3 and the Government has allotted Acs.3-00 of land in favour of Station Engineer, Doordarshan Kendra, Visakhapatnam.

In the counter affidavit, it is further stated that there is no colony by name Valmikinagar in Survey No.81 of Marripalem village and the petitioner-society never constructed any thatched huts as alleged by them. Therefore, the question of dispossession

of the members of the petitioner-society as such, does not arise.

In such view of the matter, it cannot be presumed that the members of the petitioner-society are in possession of the land in question. The details of the members of the petitioner-society are not furnished. That on the strength of the averments made in the affidavit, this Court cannot come to the conclusion that the members of the petitioner-society are in possession of the land as contended by them. In the circumstances, I find no merit in this writ petition.

However, if the members of the petitioner-society are landless poor persons and any vacant land as such is available, it shall always be open to them to file individual applications seeking house site pattas, which shall be considered by the respondents in accordance with law.

With the observations as above, the writ petition shall stand dismissed. No order as to costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Visakhapatnam
2. The Revenue Divisional Officer, Visakhapatnam
3. The Mandal Revenue Officer, Visakhapatnam.
4. 2 CCs to G.P. for Revenue, High Court Buildings, High Court of A.P. Hyderabad.
5. 2 CD copies.